UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,998	08/31/2000	Cameron Gene O'Rourke	007.0157.01	7083

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EXAMINER
STORK, KYLE R

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/654,998	O'ROURKE ET AL.
	Examiner	Art Unit
	Kyle R. Stork	2178

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 December 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>25-49</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>25-49</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 20060209

DETAILED ACTION

1.   This non-final office action is in response to the Appeal Brief filed 9 December

2005.

2.   Claims 25-49 are pending. Claims 25, 37, and 49 are independent claims. The

rejection of claims 25-49 has been withdrawn.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 25-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ladd et al. (Using HTML 4, XML, and Java 1.2, 1999, hereafter Ladd), and further in

view of Greer et al. (US 2001/0011226, filed 25 June 1997, hereafter Greer).

        Regarding independent claim 25, Ladd discloses a method for generating web

pages (ASP, on pages 850-851, is a method for generating web pages), comprising:

storing a preconstructed web page (a preconstructed web page is presented on page

851); storing, said preconstructed web page, correlation data that specifies a correlation

between an identifier and replacement content (the code for ASP, which performs this

function, is inherently stored separately from the web page); receiving a request for a

requested web page that corresponds to said preconstructed web page; (this is inherent

to normal web browsing, and preconstructed web page is presented on page 851, which

would normally be delivered); in response to said request, retrieving said preconstructed

web page, wherein: said preconstructed web page was created prior to receiving said

request (this is inherent to the definition of preconstructed), said preconstructed web

page is written in a tag-delimited page description language (it is written in ASP and

HTML), and said preconstructed web page includes said identifier that is located at a

position between a pair of tags within said preconstructed web page (the ASP identifiers

are placed between HTML tags); in response to said request, modifying said

preconstructed web page to produce said requested web page by causing a program to

perform the steps of: removing said identifier from said preconstructed web page (ASP

performs this substitution), and inserting said replacement content at said position in

said preconstructed web page, where said replacement content is selected based on

the correlation data (ASP performs this substitution); and providing said requested web

page in response to said request (ASP provides the web page to the browser).

Ladd fails to specifically disclose storing a web page separate from the

correlation data. However, Greer discloses storing a web page separate from

correlation data (paragraphs 0023-0025). It would have been obvious to one of ordinary

skill in the art at the time of the applicant's invention to have combined Greer with Ladd,

since it would have allowed a user to receive customized markup content in a web page

(Greer: paragraph 0023).

Regarding dependent claim 26, Ladd and Greer disclose the limitations similar to

those in claim 25, and the same rejection is incorporated herein. Ladd further discloses

wherein removing said identifier and inserting said replacement content further includes

substituting replacement text for said identifier in said preconstructed web page (ASP

performs this substitution, as per 850-851).

Regarding dependent claim 27, Ladd and Greer disclose the limitations similar to

those in claim 25, and the same rejection is incorporated herein. Ladd further discloses

wherein: said identifier is a first identifier and said position is a first position; said

preconstructed web page includes a second identifier that is located at a second

position between another pair of tags within said preconstructed web page (page 852

shows multiple identifiers in between multiple tags; and said preconstructed web page

includes first code that corresponds to a first display region that includes said first

identifier and second code that corresponds to a second display region that includes

said second identifier (the ASP script on page 852 corresponds the identifiers with

multiple result web pages); and modifying said preconstructed web page to produce

said requested web page further comprises causing said program to arrange said first

code that corresponds to said first display region and said second code that

corresponds to said second display region in said requested web page based on an

ordering of said first position and said second position in said preconstructed web page

(the ordering of the identifiers in the ASP script determines which will be displayed on

page 852).

Regarding dependent claim 28, Ladd and Greer disclose the limitations similar to

those in claim 25, and the same rejection is incorporated herein. Ladd further discloses

wherein: said program is a first program, said identifier is a first identifier, and said

position is a first position (these elements are present in the ASP-script page on page

852); said preconstructed web page includes a second identifier that is located at a

second position between another pair of tags within said preconstructed web page

(there is a second identifier on page 852; first being User_ID and second being

nba_Online); and said preconstructed web page includes first code that corresponds to

a first display region that includes said first identifier and second code that corresponds

to a second display region that includes said second identifier (there is conditional code

on page 852 dealing with different identifiers); modifying said preconstructed web page

to produce said requested web page further comprises causing said program to arrange

said first code that corresponds to said first display region and said second code that

corresponds to said second display region in said requested web page based on an

ordering specified by a second program (the ordering of the identifiers in the ASP script

determines which will be displayed on page 852).

Regarding dependent claim 29, Ladd and Greer disclose the limitations similar to

those in claim 25, and the same rejection is incorporated herein. Ladd further discloses

wherein: said identifier is a marker; said position is a relative position; said

preconstructed web page is a template; said replacement content is dynamic content;

and said tag-delimited page description language is selected from the group consisted

of hypertext markup language (HTML) and extensible markup language (XML) (These

limitations are all inherent to the nature of ASP and the specific scripts as presented on

pages 850-852).

Regarding dependent claim 30, Ladd and Greer disclose the limitations similar to

those in claim 25, and the same rejection is incorporated herein. Ladd further discloses

parsing said preconstructed web page to generate a hierarchical representation of said preconstucted web page, wherein said hierarchical representation is based on a structure of said preconstructed web page; and based on said hierarchical representation, processing said preconstructed web page to locate said identifier. However, HTML and ASP pages are inherently processed this way by standard browsers, and hence, the limitations of this claim are met by the ASP pages presented by Ladd on pages 850-852.

Regarding dependent claim 31, Ladd and Greer disclose the limitations similar to those in claim 25, and the same rejection is incorporated herein. Ladd further discloses said preconstructed web page defines a plurality of display regions; and code that corresponds to one display region of said plurality of display regions includes said identifier (The code on page 852 of Ladd defines how web pages' display are correlated to ASP identifiers).

Regarding dependent claim 32, Ladd and Greer disclose the limitations similar to those in claim 31, and the same rejection is incorporated herein. Ladd further discloses said identifier is a first identifier, said position is a first position, and said code that corresponds to one display region is first code that corresponds to a first display region (User_ID takes this role on page 852); said preconstructed web page includes said first code that corresponds to said first display region that includes said first identifier (User_ID is used for validation, and invalid User_ID values lead to an error screen); said preconstructed web page includes third code that corresponds to a third display region that includes no identifiers (the references to invalid.htm); the method further comprises:

including said first code that corresponds to said first display region in said requested

web page because said replacement content replaces said first identifier; and including

said third code that corresponds to said third display region in said requested web page

because said third code includes no identifiers (there are redirects to the invalid.html on

852 because identifiers are not chosen for redirects). However, Ladd fails to disclose

that said preconstructed web page includes second code that corresponds to a second

display region that includes a second identifier that is located at a second position

between another pair of tags within said preconstructed web page; and not including

said second code that corresponds to said second display region in said requested web

page because no replacement content replaces said second identifier. However, it was

notoriously well known in the art at the time of the invention that identifiers may be left

out of templates and that they will not be replaced by anything because this is the

intuitive, simplest thing to do. It would have been obvious to one of ordinary skill in the

art at the time of the invention to leave an identifier out of the template because this is

the intuitive, simplest thing.

Regarding dependent claim 33, Ladd and Greer disclose the limitations similar to

those in claim 25, and the same rejection is incorporated herein. Ladd further discloses

said program is a hypertext template engine; and a controller program performs the step

of modifying said preconstructed web page to produce said requested web page by

causing said hypertext template engine to perform the steps of removing and inserting.

Regarding dependent claim 34, Ladd and Greer disclose the limitations similar to

those in claim 33, and the same rejection is incorporated herein. Ladd further discloses

said controller program modifying said preconstructed web page to produce said requested web page by causing said hypertext template engine to perform the steps of removing and inserting further comprises: said controller program making a substitution call to said hypertext template engine, wherein said substitution call specifies said identifier and said replacement content.

Regarding dependent claim 35, Ladd and Greer disclose the limitations similar to those in claim 25, and the same rejection is incorporated herein. Ladd further discloses said identifier is a first identifier, said position is a first position, and said replacement content is first replacement content, said preconstructed web page includes a second identifier that is located at a second position between another pair of tags within said preconstructed web page; and modifying said preconstructed web page to produce said requested web page further comprises causing said program to substitute second replacement content for said second identifier in said preconstructed web page.

Regarding dependent claim 36, Ladd and Greer disclose the limitations similar to those in claim 25, and the same rejection is incorporated herein. Ladd further discloses said identifier is a first occurrence of said identifier; said position is a first position, said preconstructed web page includes a second occurrence of said identifier that is located at a second position between another pair of tags within said preconstructed web page; and modifying said preconstructed web page to produce said requested web page further comprises causing said program to perform the steps of: removing said second occurrence of said identifier from said preconstructed web page, and inserting said replacement content at said second position in said preconstructed web page.

Regarding independent claim 37, it is a computer-readable medium with encoded instructions for carrying out the method of claim 25, and it is rejected under similar rationale.

Regarding dependent claim 38, it is a computer-readable medium with encoded instructions for carrying out the method of claim 26, and it is rejected under similar rationale.

Regarding dependent claim 39, it is a computer-readable medium with encoded instructions for carrying out the method of claim 27, and it is rejected under similar rationale.

Regarding dependent claim 40, it is a computer-readable medium with encoded instructions for carrying out the method of claim 28, and it is rejected under similar rationale.

Regarding dependent claim 41, it is a computer-readable medium with encoded instructions for carrying out the method of claim 29, and it is rejected under similar rationale.

Regarding dependent claim 42, it is a computer-readable medium with encoded instructions for carrying out the method of claim 30, and it is rejected under similar rationale.

Regarding dependent claim 43, it is a computer-readable medium with encoded instructions for carrying out the method of claim 31, and it is rejected under similar rationale.

Regarding dependent claim 44, it is a computer-readable medium with encoded instructions for carrying out the method of claim 32, and it is rejected under similar rationale.

Regarding dependent claim 45, it is a computer-readable medium with encoded instructions for carrying out the method of claim 33, and it is rejected under similar rationale.

Regarding dependent claim 46, it is a computer-readable medium with encoded instructions for carrying out the method of claim 34, and it is rejected under similar rationale.

Regarding dependent claim 47, it is a computer-readable medium with encoded instructions for carrying out the method of claim 35, and it is rejected under similar rationale.

Regarding dependent claim 48, it is a computer-readable medium with encoded instructions for carrying out the method of claim 36, and it is rejected under similar rationale.

Regarding dependent claim 49, it is a computer-readable medium with encoded instructions for carrying out the method of claim 24, and it is rejected under similar rationale.

Response to Arguments

5.   Applicant's arguments with respect to claims 25-49 have been considered but are moot in view of the new ground(s) of rejection.

As disclosed above, the Greer reference has been added to address the applicant's claim limitations.
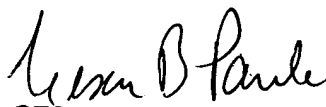
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER